

CHILD SUPPORT SERVICES POLICY MANUAL

CHILD SUPPORT PROGRAM BASICS

INTRODUCTION

GENERAL INFORMATION

This chapter contains information on the following topics:

1. [An overview of the Child Support Services \(CSS\) program;](#)
2. [The provision of CSS services;](#)
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CSS PROGRAM OVERVIEW

GENERAL INFORMATION

This topic contains information on the following subjects:

1. [The purpose of and legal authority for the CSS program;](#)
2. [The organization of the North Carolina CSS program;](#)
3. [The cooperation and coordination between the CSS program and other agencies and states;](#)
4. [The confidentiality and security of CSS participant/case information;](#)
5. [The confidentiality and security requirements and restrictions related to accessing and handling sensitive information obtained from FPLS and IRS;](#)
6. [The requirements for an attorney and attorney contracts;](#)
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PROGRAM PURPOSE AND LEGAL AUTHORITY

The Child Support Services (CSS) program was established in 1975 by Public Law 93-647, Part B (Title IV-D of the Social Security Act) and NCGS 110-128-141. These laws set forth the federal and state requirements for the program. The purpose of the CSS program is to ensure that noncustodial parents (NCPs) support their children. If the children are receiving Work First Family Assistance (WFFA), the debt of child support is owed to the state by virtue of the Assignment of Rights to Support (NCGS 110-137), rather than to the caretaker of the children. Child support that is collected for WFFA children is retained by the state and treated as a reimbursement to WFFA funds. The state distributes this money to county, state, and federal governments in a percentage amount equal to their participation in the

financing of WFFA. For children who are not receiving WFFA, the child support is paid to the custodial parent (CP) or caretaker.

NORTH CAROLINA CSS ORGANIZATION

At the state level, the North Carolina Department of Health and Human Services (DHHS) has been designated by the Governor as the CSS Agency. NCGS 110-128-141 also authorizes the DHHS to supervise the child support program described in NCGS 110-128-141. DHHS has further designated the Division of Social Services (DSS) to be responsible for this program. The Child Support Services (CSS) Section exists within DSS.

A staff of CSS Regional Program Representatives is responsible for providing consultation and program assistance to the county-operated local programs in their assigned areas.

NCGS 110-130 requires that the county commissioners designate the local person or agency to administer the program. Commissioners cannot relinquish responsibility for the operation of the program.

COOPERATION AND COORDINATION WITH OTHER AGENCIES AND STATES

INTERCOUNTY COOPERATION/COORDINATION

CSS agencies must cooperate with IV-A agencies, law enforcement agencies, courts, and CSS agencies of other counties to effectively accomplish their purpose.

Intercounty Cooperation - Non-Public Assistance Cases

Because no residency requirements exist for CSS services, CSS agencies are expected to provide services to the extent possible when custodial parents (CPs) apply for services. If the CP moves to another county in North Carolina, the original CSS agency must continue to provide services, unless the CP requests that the case be transferred.

If no NC support order has been entered, CPs can request that their case(s) be transferred to the county where they reside or work. They can even request that their case(s) be transferred to the county where the noncustodial parent (NCP) resides. If a court order has been entered in another state and the NCP resides outside of NC, CPs still can request that their case(s) be transferred from one NC county to another NC county. CSS must verify the CP's request for transfer before the case can be transferred.

Prior to the transfer of the case, responsible workers must document the reason for the transfer notify the supervisor in the receiving county of the case transfer. The physical file should be sent to the receiving county at the time of the case transfer

If a court order is entered in the same county that is responsible for the CP's case, that CSS agency continues to be responsible for the case even if the NC order is registered for enforcement in another state or if a request to register the NC order is sent to the other state.

If the CP has a court order that the CSS agency did not establish, the CSS agency in the county where the order was established is

responsible for the intervention and/or redirection of the order to that county's CSS agency and the subsequent enforcement of the order.

In situations where a NC order has been entered, cases must not be transferred to another county unless they meet the criteria for change of venue.

Intercounty Cooperation - Public Assistance Cases

If the CP has an existing child support case in one county and is approved for Public Assistance (PA) in a different county, the county that is responsible for working the child support case depends on a variety of factors. CSS must examine the facts and decide which CSS agency should be responsible for the CSS case.

If no open court case exists in NC, the CSS agency that is responsible for the case should transfer the case to the county where the CP is receiving PA. The CP's approval is not necessary, but the CP must be notified prior to the transfer.

If a court order is entered in the same county that is responsible for the CP's case, that CSS agency continues to be responsible for the case even if the NC order is registered for enforcement in another state or if a request to register the NC order is sent to the other state.

If the CP has a court order that the CSS agency did not establish, the CSS agency in the county where the order was established is responsible for the intervention and/or redirection of the order to that county's CSS agency and the subsequent enforcement of the order.

In situations where an NC order has been entered, cases must not be transferred to another county unless they meet the criteria for change of venue.

CPs can request information from the CSS agency in the county where they reside and receive PA. The two CSS agencies must communicate and cooperate to enforce the order and to address CPs' issues and concerns.

Prior to the transfer of the case, responsible CSS workers must document the reason for the transfer notify the supervisor in the receiving county of the case transfer. The physical file should be sent to the receiving county at the time of the case transfer

PRIVATIZED CSS AGENCIES

In NC and other states, CSS services can be provided by private companies, under contract with the governmental body responsible for this service. Interaction with these private agencies is conducted in the same manner as with local and state government-operated child support agencies.

CONFIDENTIALITY/ SECURITY

Public records are open to review by anyone who wishes to see them. Court files of judicial actions that are maintained by the Clerk of Court are public records.

Child Support Services (CSS) case records are not public records. Information obtained on the custodial parent (CP) and noncustodial parent (NCP) is extremely confidential and must be carefully safeguarded.

CSS must take all appropriate precautions to both properly secure the identity information of case participants from being misused, misappropriated, or stolen, and to safeguard participants' physical safety. Any incident or activity that could potentially endanger the security of identity information or the physical safety of participants must be immediately reported to the CSS supervisor.

To properly safeguard case information, CSS must comply with the following rules of law and regulation governing proper use and release of such information.

Federal Regulation at 45 CFR 303.21 requires that CSS safeguard and properly disclose confidential information.

- Confidential information is defined as any information specific to a person, including Social Security number (SSN), address, employment, and financial information.
- CSS (including any other agency or official to whom CSS functions are delegated or authorized through a cooperative agreement or a private agency contracted to perform CSS functions) is authorized to secure and use information in the administration of CSS duties.
- Disclosure to other state agencies could be appropriate as necessary to carry out the functions of programs under Title IV (TANF, Child Welfare, Foster Care, and tribal programs under Title IV), Title XIX (Medicaid), Title XXI (SCHIP) of the Social Security Act, or the Supplemental Nutrition Assistance Program (SNAP), including:
 - * Any investigations, prosecution, or criminal or civil proceeding that is conducted in connection with the administration of any such plans or programs;
 - * Information on known or suspected physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is the subject of a child support enforcement activity.

The Fair and Accurate Credit Transactions Act of 2003 requires that efforts be employed to detect and prevent identity theft. CSS techniques to comply with this law, known as "Red Flag and Address Discrepancy Rules", include restricting the use of SSNs on documents and confirming the identity of a customer before releasing case information. (For more information on protecting case participant security, see "[Identity Theft Measures](#)".)

NCGS 110-139 states that child support records are confidential. It authorizes the release of payment records to the court, CP, and NCP, and the sharing of the income and expense information of each parent with the other for the purpose of establishing or modifying a support order.

NCGS 132-1.10 requires State agencies to:

- Collect SSNs and other personal identifying information from individuals only for legitimate purposes and when required by law to do so;
- Refrain from filing any documents with the Register of Deeds, the Secretary of State, or the courts that include any person's SSN, employer taxpayer identification, driver license, passport, bank account debit/credit card, or state identification numbers, unless otherwise expressly required by law or court order. Failure to comply could result in a fine of up to five hundred dollars (\$500.00) for each violation.
- Protect that information from inappropriate access or dissemination; and
- Advise individuals of the purpose of the collection and use of their SSNs.

NCGS 7B-301 requires any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent (or has died as a result of maltreatment) to report that juvenile's case to the county DSS director.

Under NCGS 14-27.7A, CSS agencies are responsible for reporting any suspected cases of abuse by a custodian, as defined in NCGS 14-27.7A, when the abused is a juvenile. NCGS 7B-101 defines an "abused juvenile" as any juvenile less than eighteen (18) years of age whose parent, guardian, custodian, or caretaker inflicts or allows serious physical injury.

NCGS 110-136.3 requires that the address of a custodian (or child, if the addresses are different) be included in new or modified child support orders. However, the following exceptions apply:

- If an existing order prohibits disclosure or if the court determines that disclosure is inappropriate because the NCP has made threats constituting domestic violence under NCGS 50B, no address is included in the order;
- If the child is in a court-ordered placement pursuant to Chapter 7B of the NC General Statutes, requirements of that law make the child's address confidential. The child's address should not be included in the order and inquiries regarding the address should be referred to the county child welfare agency. Confidentiality under Chapter 7B includes children in IV-E and State Foster Home Fund (SFHF) foster care cases and children placed in DSS custody.

In addition to these requirements, certain sources of information restrict the use of their information. Before using information from entities such as the Internal Revenue Service (IRS), the NC Division of Motor Vehicles (DMV), or the Division of Employment Security (DES), CSS must verify this information with a third party.

Personal data about an individual that CSS receives from the IRS and/or DES can be released only to that individual. This restriction prohibits CSS from disclosing a case participant's tax refund or unemployment benefit information to another participant, the court, or others. The sharing of case information can be further restricted by [FPLS/IRS security requirements](#).

CSS CASE RECORD CONFIDENTIALITY

CSS case records are the property of the agency, are confidential, and must be properly secured at all times.

- CSS hard copy case files must be kept in locked storage;
- Case information that is stored in the ACTS system must not be accessible to unauthorized persons; and
- All documents containing confidential data must be handled and disposed of in accordance with State document retention policies.

Case participants are entitled to that information which is a matter of public record or relevant to the disposition of the case. The personal data of one case participant (such as Social Security numbers, addresses, or employers) can only be shared with another participant by permission of the participant or when obtained through public records or when specifically allowed by law. For example, NCGS 110-139 (b) allows the release of one parent's income and expense information to the other parent for the purpose of calculating the support obligation to establish or modify a child support order.

CPs and NCPs can request the disclosure of case information to a designee. Requestors must sign a written release that names the designee and states the specific information to be released. Access is limited to information that the participant is entitled to receive.

Although the collection and use of the Social Security numbers (SSNs) of case participants is mandated, the disclosure of this information can be limited. For the safety and security of an individual, only the last four (4) digits of the SSN are printed on many of the documents that ACTS produces.

In the event records are subpoenaed for the disclosure of information, CSS agents should immediately seek the advice of the CSS attorney. The attorney might need to accompany an agent to the hearing to make a motion to quash. If the motion is denied, the attorney could then ask the judge to grant an IN CAMERA INSPECTION of the file. If granted, the judge would inspect the file in chambers to determine what (if any) information should be disclosed.

CSS PARTICIPANT SECURITY

Identity Theft Measures -

CSS must ensure that personal information of case participants is used and shared only in accordance with program directives. To guard against the potential misuse of information, CSS must take adequate steps to identify a person before disclosing any case or participant information to that person. The following rules of caution must be used to determine if and/or what information should be shared.

- **Personal Contact** - If CSS staff members personally do not know an individual's identity, they must request information that confirms the identity. If the individual's identity is confirmed, CSS can release the information that this person is authorized to receive. If the individual does not provide adequate identifying information or is not authorized to have the requested data, CSS must not release specific participant or case information to that individual or comply with any request that action be taken for a case.
- **Telephone Contact** - Before discussing information that is specific to a participant or case, CSS must confirm the identity of the caller. If the individual's identity is confirmed, CSS can release the information that this person is authorized to receive. If the

individual does not provide adequate identifying information or is not authorized to have the requested data, CSS must not release specific participant or case information to that individual or comply with any request that action be taken for a case.

- Email and Voice Mail - Since communication by electronic mail and telephone voice mail are not private and cannot be secured, personal data (such as SSNs) should not be included in messages that are sent by these methods.

Physical Safety Measures -

If potential exists that the physical safety and security of a case participant could be at issue, CSS must take the appropriate actions to protect the individual when communicating with participants and others regarding the case, when preparing documents, and when scheduling appointments and hearings.

At the initial interview and periodically thereafter as appropriate, caseworkers must discuss the potential for domestic violence with the CP by:

- Asking if any concerns exist regarding domestic violence related to the parties in the case;
- Having the CP complete the Custodian Address Memorandum; and,
- Documenting the CP's response in the PROTECT field in ACTS.

CSS workers must document that domestic violence is a concern in the PROTECT field, if:

- The CP provides a current court order that prohibits the release of the CP's or child(ren)'s addresses to the NCP;
- The CP provides any protective order, police report, or medical report that indicates domestic violence involving the NCP; or;
- The CP indicates concerns regarding domestic violence involving the NCP in the Custodian Address Memorandum.

CSS workers must document that domestic violence is NOT a concern in the PROTECT field, if:

- The CP provides no court order or other information that indicates domestic violence involving the NCP, and the CP indicates no concerns regarding domestic violence in the Custodian Address Memorandum; or;
- The CP has not communicated with CSS, and no other information regarding domestic violence is known. In this circumstance, CSS contacts the CP to determine whether any domestic violence concerns exist and update the PROTECT field, if appropriate. They must ensure that this is done before entering any support order.

Address Confidentiality Program (ACP) -

Established under NCGS 15C, the Address Confidentiality Program (ACP) is administered by the NC Department of Justice. The program's purpose is to protect NC residents who are victims of domestic violence, sexual assault, stalking, and human trafficking from the disclosure of their address information through public records.

ACP provides participants with a substitute address and the forwarding of first class, certified, and registered mail. Program participants

receive an ACP Authorization Card that contains the substitute address and participant ID number. When requested by the participant, state and local government agencies must accept the substitute address in lieu of an actual address.

ACP does not release participant information to CSS, and CSS is not required to share any case or participant information with ACP. CSS/ACP participants can choose to divulge their actual address or use the substitute address for child support purposes. If a CSS case participant presents an ACP Authorization Card and requests that CSS use the substitute address, CSS must take the following steps to protect the safety of the participant:

- Enter the ACP substitute address as the participant's mailing address in ACTS.
- Set the PROTECT indicator in ACTS to "Y" (Yes).
- Adhere to all CSS policies for safeguarding participant confidentiality.
- Explain the precautions that will be taken to the participant.

If service of process is needed for a CSS/ACP participant:

- Service is issued to the participant at the substitute address. In accordance with NCGS 15C-3, the Attorney General acts as the participant's agent for service of process.
- If notice of ten (10) days or less is allowed for service by mail, an additional five (5) days are added to allow forwarding delivery to the participant.

If a CSS/ACP participant notifies CSS that participation in ACP has been terminated:

- The substitute address is stored as an old address the new mailing address that the participant provided is entered in ACTS.
- The PROTECT indicator is not re-set to "N" (No) unless the participant requests it.

If ACP returns mail that was sent to the participant at the substitute address, it could be due to termination of participation in the ACP program or failure to keep ACP advised of valid contact information. If ACP returns participant mail to CSS:

- CSS stores the substitute address as an old address and takes all appropriate actions to identify a new address for the CSS participant.
- The PROTECT indicator is not re-set to "N" (No) unless the participant requests it.

If a CSS/ACP participant requests that the CSS case be closed, CSS workers follow normal case closure procedures, but CSS is NOT required to notify ACP of the closure.

FPLS & IRS INFORMATION (CONFIDENTIALITY AND SECURITY)

GENERAL INFORMATION

NC Child Support Services depends heavily on information it receives

from federal resources. The Federal Office of Child Support Enforcement (OCSE) makes information concerning child support cases and participants available to all state child support programs through the Federal Parent Locator Service (FPLS) and the Internal Revenue Service (IRS). This information, as well as all CSS case information, is confidential and must be used and maintained in accordance with established security requirements. Access to and disclosure of FPLS and IRS information is limited to CSS workers whose duties require access and to whom disclosures can be made under the provisions of the law.

To protect the confidentiality of this data, proper security measures for the use, disclosure, storage, and destruction must be followed at all times. These requirements apply to all individuals with responsibilities in the CSS program, including state, county, and contracted employees. All work sites, including state, county, and contracted facilities, as well as remote sites (such as home-based sites) must meet security requirements. Staff training on these procedures must be completed at hiring and annually thereafter.

FPLS/IRS SECURITY TRAINING REQUIREMENTS

At hiring all CSS staff must sign the OCSE Agreement To Safeguard Confidential Data document before they can be given access to ACTS, and they must sign the agreement annually thereafter. These agreements are retained for five (5) years.

All CSS employees who handle, process, or come in contact with FPLS and/ or IRS information are required to complete initial and annual training regarding the security of this information.

FPLS INFORMATION (CONFIDENTIALITY AND SECURITY)

CSS is required to take proper precautions for the security of information that it receives through the FPLS and all case and participant information that is deemed to be confidential by federal regulation at 45 CFR 303.21. All personal data that is related to CSS case participants must be used only for the purposes of locating a parent to establish paternity and secure support, locating a parent in a parental kidnapping case, or seeking a child custody or visitation order; or for other purposes allowed under federal law.

FPLS information consists of data from the Federal Case Registry (FCR), the Internal Revenue Service (IRS), or the National Directory of New Hires (NDNH). FPLS contains data including, but not limited to, name, address, employment, income, assets, Social Security number, and other information about individuals, as well as information received from state child support programs. Information originating from FPLS remains FPLS data as long as it is maintained and must be protected until it is destroyed.

Penalties for Safeguard Breaches -

Failure to comply with required FPLS security measures can be cause for the following penalties:

- Misdemeanor charge and up to \$5000.00 fine for unauthorized disclosure of confidential information;
- Misdemeanor charge and up to \$5000.00 fine for unauthorized access to confidential information.

Authorized Access and Use of FPLS Information -

Only staff who need access to confidential case information to perform their assigned duties can be allowed access to FPLS information. All confidential information must be used only for purposes allowed by law and shared only with persons who are authorized to receive it.

Personal information about one participant cannot be shared with another participant or anyone who is not properly authorized to have access to the information. CSS caseworkers must ensure that only the appropriate information and documents are provided to each case participant, other child support agencies, other programs, and all other entities that are involved in the provision of child support and other authorized purposes.

Printing FPLS Information -

CSS workers should print any information that contains confidential data ONLY when absolutely necessary. Any printed material, including ACTS or State Services Portal (SSP) screen prints, reports, or other documents that contain FPLS information must be labeled to identify its confidential nature and be maintained in a locked container when not in use.

When no longer needed, printed documents should be destroyed by shredding or burning, in accordance with State retention schedules. Many ACTS screens and reports include identification as a confidential document. A label must be attached to any printed information that does not include such identification.

All NCCSS agencies must maintain a permanent system of standardized records that tracks the creation, movement, and disposal of sensitive FPLS information. All printed documents that contain FPLS information must be tracked on the log. The log must identify:

- The date of printing;
- The document name/number (report, screen print, payment data, etc.);
- The CSS case (IV-D) number;
- The movement of the document from one person or office to another;
- The destruction date and method;
- The name of the employee who destroyed the document.

When printed FPLS information is no longer needed, it must be destroyed in accordance with the State record retention plan.

Reporting Unauthorized Access to FPLS Information -

CSS workers who become aware of unauthorized access to (or disclosure of) FPLS information should report the incident immediately by completing the FPLS Improper Disclosure Log form. The report should include a description of the inappropriate action, where it occurred, and what information was disclosed. Workers must not include the actual data in the report.

The report must be made no later than one (1) hour after discovery of the incident to a manager or supervisor for that office, who routes the report to the NCCSS FPLS Security Contact.

The NCCSS FPLS Security Contact then notifies the US Department of Health and Human Services.

NCCSS is responsible for investigation of the incident; communicating with all appropriate State security officials; notifying individuals whose information is breached; notifying other agencies and the media, as appropriate; resolving the issue; and taking all necessary follow-up and corrective action measures.

Compliance Monitoring -

NCCSS is required to implement and maintain a system of monitoring to ensure that all security requirements are being met. Monitoring efforts include biennial system security reviews of all county and state offices and independent security assessments conducted every five (5) years.

IRS INFORMATION (CONFIDENTIALITY AND SECURITY)

Information that CSS receives from the IRS containing addresses, Social Security numbers (SSNs), or tax intercept (offset) amounts is considered to be federal tax information (FTI). Access to FTI is limited to CSS workers whose duties require access and to whom disclosures can be made under the provisions of the law. CSS must use federal tax return data for official purposes only. To protect the confidentiality of FTI, proper security measures for the use, disclosure, storage, and destruction of FTI must be followed at all times.

Penalties for Safeguard Breaches -

Failure to comply with all requirements for use and disclosure of FTI (federal tax information) data for authorized purposes only is a felony punishable by:

- A fine of not more than \$5000.00; or
- Imprisonment for not more than five (5) years; or
- Both a fine and imprisonment.

IRS as a Source of Locate Information -

CSS can receive Locate data for a noncustodial parent (NCP) through the system from automated sources, such as IRS Project 1099 or other federal OCSE sources.

ACTS Screens Containing IRS Information -

ACTS worker security profiles allow only authorized individuals to access FTI on the ACTS financial screens. Inquiry workers with access to ACTS (such as WFFA and Medicaid caseworkers) do not have direct access to FTI.

When CSS accesses FTI in ACTS, a system log records the access in order to maintain an audit trail. Any ACTS screen that could contain IRS tax data automatically displays the message "SENSITIVE TAX DATA" in YELLOW at the top of the screen. If screen prints are retained, they must be stored in a locked container.

ACTS Documents Containing IRS Information -

Any ACTS documents or reports that could contain IRS tax data are automatically labeled on the front page and subsequent pages with the message: "SENSITIVE TAX DATA". If these documents and reports are retained, they must be stored in a locked container.

Any information received in response to ACTS documents (for example, Postmaster Verification Requests, Employer Letters, etc.) that include FTI should either be destroyed in accordance with the agency's retention/destruction policy or labeled and stored in the CSS office's centrally located lockable cabinet.

Printing Federal Tax Information -

Because pertinent FTI is stored in ACTS and general notes are recorded in ACTS, which replaces paper documentation, CSS workers should rarely need to print FTI. CSS workers should print ACTS screens, reports, and documents that contain FTI ONLY when absolutely necessary. Any document or file folder that contains FTI must be labeled (unless it is already labeled). These labels notify the recipients that this data must be safeguarded.

All printed FTI in the office (including ACTS screen prints, documents, reports, and/or notes containing FTI) must be protected by a two-barrier standard (EX: stored in a locked desk or cabinet that is located in a locked facility). When no longer needed, FTI must be destroyed by shredding.

If case files are stored off-site, the files should be reviewed and all federal tax-related material should be removed and stored within a two-barrier environment until the retention period expires. This separately stored FTI information should be destroyed according to the agency's retention/ destruction policy.

Transmitting Federal Tax Information -

Transmitting FTI by email, fax, or printer is not recommended. If it is necessary, the following rules must be applied.

Email -

FTI must not be transmitted outside of the agency by email, either in the body of a message or as an attachment. When sending FTI through the agency internal email system:

- Ensure that the message is encrypted;
- Ensure that recipients' addresses are correct;
- Always log off the computer when away from the area.

Facsimile (FAX) -

To protect security of the data:

- Always have trusted staff at both the sending and receiving machines;
- Always include a cover sheet that contains notice of the sensitive nature of the data and instructions to an unintended recipient on the notice to the sender and destruction of the data.

Multi-function Printer-Copier -

If FTI is transmitted via multiple-function equipment, these rules must be followed:

- FTI must be encrypted while in transit to/from the device;
- FTI must not be emailed or faxed from the device;
- FTI must not be stored on the device;
- If FTI is scanned into the device, the user must be identified by a unique password.

Transferring Case Records Containing Tax Information -

Before a case record is transferred from one case manager to another, it must be reviewed for any FTI that might be present. The following steps are necessary whether the transfer is from one person to another within the same CSS agency or from one CSS agency to another. CSS must:

- Remove and destroy any nonessential printed FTI;
- Delete any system data, such as potential addresses that might have been obtained from federal tax sources;
- Properly label any essential documents containing FTI that must remain in the file;
- Record the transfer of the data on the FPLS/IRS Sensitive Information Tracking/Destruction Log.

Maintaining a System of Standardized Records/Destruction of Records -

The IRS requires that a permanent system of standardized records be kept which tracks the creation, movement, and disposal of sensitive FTI. These logs must be retained for five (5) years. If these logs contain any FTI, they need to be safeguarded in lockable containers until they are properly destroyed. This requirement applies to both paper and magnetic media.

All NC CSS agencies must record this information on the FPLS/IRS Sensitive Information Tracking/Destruction Log. All printed documents that contain FTI or information provided by the IRS or Social Security Administration must be tracked on the log. The log must identify:

- The date of printing;
- The document name/number (report, screen print, payment data, etc.);
- The CSS case (IV-D) number;
- The movement of the document from one person or office to another;
- The destruction date and method;
- The name of the employee who destroyed the document.

FTI must be destroyed by shredding. Paper should be shredded perpendicular to the cutting line, so that it is unreadable. Hand tearing, recycling, or burying in a landfill are not acceptable methods of destruction. All shredding should be conducted on site at the CSS office. If materials are destroyed off-site, a CSS employee must accompany the materials and witness their destruction.

IRS Information and CSS Attorney Files -

The CSS attorney is an authorized person to have access to IRS data. The attorney's files are protected by attorney/client confidentiality. No other security measures are required.

Disclosure of IRS Information to Case Participants -

Because federal tax information (FTI) about one individual is confidential, personal information about a participant that is received from the IRS (such as address, wage source/data, SSN, or other FTI) cannot be shared with another participant. However, the IRS does allow the release of limited information regarding a tax refund offset (intercept) to a custodial parent (CP - coded "CLI") in a IV-D case.

After receiving an offset payment, CSS can share the following information with the CP:

- The date of receipt;
- The amount of the payment;
- The source of the payment (IRS);
- The fact that the payment could be held for up to six (6) months.

CSS must not disclose a specific reason for the hold, but should state only that offset payments are held because they might be subject to adjustment.

Although the payment histories that CSS provides to CPs and the Notice of Payments To CP (DSS-4516) document do not include a payment source, CSS can inform the CP that CSS received the payment as a tax refund intercept. The Notice Of Collections To The NCP (DSS-4520) includes the payment amount and payment source, because the payment information in this document is about the NCP.

CSS caseworkers must ensure that only the appropriate information and documents are provided to each participant and that the IRS nondisclosure rules are followed during any discussion of payment information with CPs.

Disclosure of IRS Information in Court -

The IRS does not allow the disclosure of payment data from an IRS source in open court. CSS must obtain alternative information or independent verification in order to present a document in open court. Information regarding the amount of a tax refund or intercepted funds that an NCP presents in court is not considered confidential FTI, since the NCP provided the information, not the IRS.

CSS can provide the court with a payment printout that contains the date and amount of the funds received, as long as it does not identify the source as a federal tax payment.

The court payment record can be released to the CP's private attorney or the NCP's private attorney ONLY upon receiving the written authorization of the CP or NCP. It must not be released to any other entities, even with the written authorization of the CP or NCP.

CSS can give the appropriate payments record to the CP and/or NCP at any time. CPs and NCPs can give testimony on the pay record's

contents, but CSS staff members/ attorneys cannot. When questioned in court, CSS cannot provide details on any of the amounts within that entire record to a judge or any other party.

If ACTS can be accessed by computer in the courtroom, the computer screen must be password-protected and the screen cannot be visible to others in the courtroom. The CSS attorney must refuse any request to view or access the data that is contained in the case record, citing that such requests are barred by federal law.

Disclosure of IRS Information to Other Programs -

Inquiry workers with access to ACTS (such as WFFA and Medicaid caseworkers) do not have direct access to FTI. These workers have access to a screen in ACTS which displays the disbursement amount, check date and status, and the NCP/payor's name. This screen provides these eligibility workers with the per-child/per-NCP breakdown that they need.

If information on this screen is not sufficient to meet the eligibility workers' needs, CSS caseworkers can provide a payment printout to the CP, who can then provide the information to the Public Assistance (PA) caseworker. CSS cannot provide any amount within that entire pay record to the PA caseworker or any other party.

Reporting Unauthorized Access to Federal Tax Records -

CSS workers who become aware of unauthorized access to (or disclosure of) FTI should report the incident immediately by completing a "Federal Tax Information Improper Disclosure Log" form. The report should include a description of the inappropriate action, where it occurred, and what FTI was disclosed. CSS workers do not include the actual FTI in the report. Reports must be made as soon as the incident is known, even if all of the information needed on the form is not available.

In local offices, these reports must be made to that agency's program manager or regional representative, who routes the report to the CSS Security Officer. CSS Central Office and Customer Service Center reports should be made to the CSS Security Officer.

The CSS Security Officer notifies the DHHS Privacy and Security Office. DHHS then notifies the Special Agent in Charge at the Field Division of the Treasury Inspector General for Tax Administration in Atlanta.

For more information about the security of FTI, the following resources are available:

- IRS 1075 - <http://www.irs.gov/pub/irs-pdf/p1075.pdf>
- Hotline - PH: 1-800-589-3718

Treasury Inspector General for Tax Administration
Ben Franklin Station
PO Box 589
Washington, DC 20044-0589
<http://www.treas.gov/tigta>

REQUIREMENT FOR AN ATTORNEY AND ATTORNEY CONTRACTS

Certain functions essential to the CSS program can only be performed by an attorney, and the performance of these functions by any other individual might constitute unauthorized practice of law, which is subject to criminal prosecution (NCGS 84-4).

1. CSS Program Attorney

The CSS attorney provides legal services in cases as requested by the CSS agency. It is important that the CSS attorney be utilized in a cost-effective manner. CSS caseworkers should do as much case preparation as possible before submitting a case to the attorney so that the results can be accomplished with a minimum of the attorney's time being spent.

A. Arranging for Attorney Services

As required by Chapter 10 NCAC 27-0007 of the North Carolina Administrative Code, all local CSS agencies must arrange for the services of an attorney by one of the following methods:

- 1.) Contract with a private attorney or County Attorney; or
- 2.) Use of a Department of Social Services (DSS) staff attorney.

B. Contract Provisions

The contract with the primary attorney must include the following provisions:

- 1.) Duration of the contract;
- 2.) Attorney duties to include consultation, legal advice, and representation;
- 3.) Compliance with all of the requirements of North Carolina General Statutes, Title 42 United States Code, Section 651 ET SEQ., and the related regulations;
- 4.) Hourly rate; and
- 5.) Conflict of interest provision.

C. Contract Document

If a county contracts with an attorney to provide legal services for more than one program, a single contract can be used; however, the provisions for providing child support services must be specified in the contract. Use of the model contract is not required. If a different format is used, the general provisions that were referenced in the previous Section B must be included.

D. Secondary Attorney

If a conflict of interest arises for the primary attorney, the local CSS attorney must contract with a secondary attorney to provide for the legal services needed by the agency. The contract with the secondary attorney can be

executed at the time it becomes necessary to use the services of the secondary attorney, in advance if the agency elects to do so.

A contract of employment for a secondary attorney must adhere to the document standards set forth in item "C" above. The terms of the contract for the secondary attorney must include all the appropriate provisions as outlined previously (in item "B") for primary attorney contracts.

E. Responsibility for Contracts

The DSS Director or the head of the agency who has responsibility for the CSS program shall have responsibility for ensuring that a valid contract is in place and for maintaining the original contract, in accordance with NCGS 153A-11 and NCGS 153A-12. Copies of the contract should be provided to the CSS attorney and local CSS agency.

F. Reimbursement Provisions

No reimbursement for an attorney's services can be made without a valid contract except for DHHS staff attorneys. In accordance with DHHS directives, the maximum hourly rate that the State reimburses is one hundred twenty-five dollars (\$125) per hour for county/local CSS agencies; any amount above one hundred twenty-five dollars (\$125) per hour must be paid entirely by the county. These rates also apply to any consultation with the county/local CSS agencies in regard to general legal issues.

Reimbursement for contracted attorney's fees (except those reimbursed through an indirect cost plan) is provided only for ACTUAL TIME spent on a case based on the contracted hourly rate.

Attorneys are prohibited from:

- 1.) Submitting charges on a flat rate basis for a particular service; for example: \$150.00 as the standard rate for processing a paternity action;
- 2.) Having attorney fees paid as part of a support order or any other order if such action results in a delay in or reduces payment of current support and/or arrearages. In TANF cases, the noncustodial parent (NCP) cannot be ordered to pay attorney's fees unless the local CSS agency can establish in court that the CSS agency cannot pay the legal costs incurred due to lack of budgeted funds (NCGS 50-13.6).

The attorney's bill must be clearly documented as to the service provided, the actual time spent, the date when service was provided, and the case for which the service was provided, if appropriate.

G. Attorney Training

Reimbursement for the attorney's attendance at an annual training session shall be based upon an hourly rate not to exceed sixty dollars (\$60) per hour, with a maximum of two hundred dollars (\$200) for the full session or one hundred dollars (\$100) for a single day attended, or the amount set by the CSS Central Office. Attendance is not required, but attorneys are strongly encouraged to avail themselves of training opportunities. Prior approval for attendance from the local CSS agency is required.

2. Private Counsel for Custodial Parents (CPs)

CPs can elect to seek private counsel to provide some or all legal services for their cases. When this occurs, it is important that efforts are coordinated to ensure that appropriate services are provided for the case. The CSS agency retains the responsibility of case management so long as Public Assistance (PA) is being provided, OR arrearages are owed to the State, OR the CP desires continued services.

A. CSS Agency Responsibilities

The CSS agency should inform CPs of their right to engage a private attorney. CPs should also be instructed to advise their attorney of the involvement and activity of the CSS agency in the case. It is the responsibility of the CSS agency to keep CPs apprised of actions being taken in their case. All appropriate actions should be taken to ensure that the Standards for Program Operation are met.

If legal action is necessary in a matter for which private counsel has been retained, CSS should forward appropriate documents and information to the private attorney for action. A CP's attorney can be provided only that information available to the CP, as outlined in the [Confidentiality](#) section that appears earlier.

The private attorney should be apprised of any CSS program policies or procedures related to the legal services being provided, in order to ensure such things as the appropriate scheduling of court hearings, the language in court orders, or the distribution of funds. CSS agents should be aware of and attend all court proceedings in the case. The attorney should be notified of any contacts or meetings with the NCP that are relative to the representation being provided by private counsel and should be given the opportunity to attend such meetings.

EX: If private counsel was retained to pursue an increase in support, the attorney need not be advised of contact with the NCP to change an address, explain tax intercept, or discuss another support case.

B. CSS Attorney Responsibilities

The CSS agency attorney provides all needed legal services for a case unless notified by local CSS that the CP has retained private counsel to provide legal services. If situations arise in which a conflict exists between the agency's interests and those of the CP or the agency's interests are not being addressed by a CP's private

attorney, it might become necessary for both attorneys to be involved in the action.

C. Custodial Parent's (CP's) Responsibilities

CPs should inform the CSS agency when choosing to hire private counsel. Also CPs should be advised to have their private attorney notify the CSS agency in writing when a commitment for representation is made. This notification must be made a part of the CSS case record. CPs should keep their attorney apprised of CSS actions in the case, so that all efforts can be coordinated. Payment for services rendered by private counsel is the responsibility of the CP.

It is also the CP's responsibility to notify the CSS agency in writing whenever private representation is terminated or transferred to a different attorney.

For cases that are captioned to indicate that an initial legal action was taken by the agency on behalf of the CP or child, the CP would need to motion the court to intervene in the case in order to pursue matters not being directed by the CSS agency and CSS attorney. If the CP was the initial plaintiff, such a motion is not required.

D. Private Attorney Responsibilities

The private attorney provides legal services in matters for which private counsel has been retained. Private attorneys should notify local CSS in writing of the type of representation is being provided to the CP and should coordinate CSS case activities with the CSS agency. The CSS agency should be notified and given the opportunity to participate in any contact with the NCP in which CSS services might be involved. (The CSS agency need not be included in the discussion of such topics as visitation, since that is not an agency service.)

FEDERAL AUDIT REQUIREMENTS

SELF-ASSESSMENT REVIEWS

In accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), states conduct an annual review of their child support services programs to measure compliance with federal regulations. The results of these self-assessment reviews are reported to the Secretary of the Federal Department of Health and Human Services. Each state is responsible for reviewing the following areas:

1. Case closure;
2. Establishment of paternity and support orders;
3. Expedited process;
4. Enforcement of orders;
5. Disbursement of collections;
6. Securing and enforcing medical support;

7. Review and adjustment; and
8. Interstate services.

No penalties are tied to the self-assessment process; however, federal auditors review the reports for consistency with financial audits. If differences are found, federal auditors and the states work together to resolve the issue.

The System User Support Unit located in the CSS Central Office administers the self-assessment reviews.

ROLE OF FEDERAL AUDITORS

The federal auditors' role is to perform financial and data reliability audits. The financial audit includes administrative costs and collections. The data reliability audit includes systems-generated data on which incentives are paid with a focus on accuracy, completeness, reliability, and security.

FEDERAL AUDIT PENALTIES

Beginning fiscal year 2002, the penalty system begins. Fiscal year 2001 is the base year for data reporting. The financial penalty system measures performance in three areas: establishment of paternity, establishment of child support orders, and the collection rate on current child support.

If a state fails any or all of these three performance standards, the penalty is one percent (1%) of the state's TANF block grant, unless the failed standards are met during the following fiscal year corrective action period. If a state fails to meet the appropriate standard on one or all of the performance standards for two (2) consecutive years, the penalty is two percent (2%) of TANF funds. Three (3) years of failure garners a three percent (3%) penalty against TANF funds. The consequence of loss of all federal CSS funding for failure to meet any state plan requirement under Section 454 of Title IV-D remains.

All local CSS agencies must operate according to state policy, and case records must be well documented in order to establish and maintain an audit trail. Reviews are conducted statewide. Therefore, all local CSS agencies must operate within the context of established state and federal regulations.

SUPPLEMENTAL PROGRAM REVIEWS

The CSS Central Office Local Operations staff performs supplemental program reviews for each county. The goal is to identify potential compliance problems at the county level and to identify ineffective practices. Based on each county's assessment scores, corrective action plans are written and implemented.

STAFFING/CASELOAD STANDARDS

The North Carolina Division of Social Services (NC DSS) developed a caseload standard that recommends 300-325 noncustodial parent (NCP) cases per CSS caseworker. In addition, it is necessary to have adequate clerical staff.

CSS regulations prohibit a local CSS agency from staffing the unit with workers who perform CSS services in addition to IV-A or Title XX, UNLESS that agency has made a written request to the CSS Central Office that an exception be made due to the fact that the county is sparsely populated and the caseload does not justify a full-time worker. The CSS Central Office must obtain approval from the federal Office of Child Support Enforcement (OCSE) by submitting the request along with population figures, the county TANF caseload, and size of the DSS staff. The CSS Central Office notifies the county about whether or not OCSE has approved the request.

ARREARAGE LIQUIDATION

Effective July 1, 2003, if arrearages exist when a child support obligation terminates, payments must continue in the same total amount that was due under the terms of the order or income withholding in effect at the time that the obligation ended, per NCGS 50-13.4 (c). NO JUDICIAL ACTION IS NEEDED TO ACCOMPLISH THIS REQUIREMENT. The payment amount remains in effect until all arrearages are paid in full or a subsequent order or income withholding is issued.

Any income withholding amount implemented by court order or administratively increased under NCGS 110-129.1 (8c) is to remain in place.

When the child residing with the noncustodial parent (NCP) causes an obligation to terminate, it can be in the child's best interest for CSS to negotiate an alternative payment amount, if requested by the NCP.

EXAMPLE 1:

At the time an obligation ends, the existing order requires the payment of \$450.00/month toward current support and \$50.00/month toward arrearages. Payments will continue in the amount of \$500.00/month, with the total amount applied toward arrearages.

EXAMPLE 2:

At the time an obligation ends, the existing order requires the payment of \$300.00/month toward current support but no specified payment toward arrearages. Income withholding for \$350.00/month is in place. Payments will continue in the amount of \$350.00/month, with the total amount applied toward arrearages.

EXAMPLE 3:

An existing order requires the payment of \$400.00/month toward current support and \$25.00/month toward arrearages; payments are being made through income withholding. Prior to the end of the obligation, the income withholding amount toward arrearages is increased administratively from \$25.00/month to \$50.00/month, making the total withholding for current support and arrearages \$450.00/month. At the time the obligation ends, payments will continue in the amount of \$450.00/month, with the total amount applied toward arrearages.

EMANCIPATED MINORS/JUVENILES/DEPENDENT CHILDREN

North Carolina law at NCGS 50-13.4 declares that parents are responsible for support of a child until that child reaches age eighteen (18). This responsibility can continue up to age twenty (20), if the child remains in secondary school. The obligation for support can be terminated earlier than age eighteen (18) under certain conditions.

NCGS 7B-101 defines a "juvenile" as a person under age eighteen (18) who IS NOT:

- Married; or
- Emancipated; or
- A member of the armed forces of the United States.

In accordance with NCGS 7B, Article 35, a juvenile who is sixteen (16) or older can petition the court for emancipation. Once the court enters an order of emancipation, parents are relieved of any further responsibility for support. However, arrearages that accrued prior to emancipation are enforceable, and appropriate action should be taken to collect the debt. A decree of emancipation is irrevocable.

At NCGS 110-129, a "dependent child" is defined as a person under age eighteen (18), who is not otherwise emancipated, married, or a member of the armed forces of the US or as a person over age eighteen (18) for whom a court orders support to continue under provision of NCGS 50-13.4(c).

Child support can be pursued for the benefit of an individual who meets the definitions of a juvenile or a dependent child.

An emancipated juvenile who subsequently returns to the home of a custodial parent (CP) or caretaker as the result of a divorce or other changes in circumstance is still considered to be legally emancipated.

A juvenile whose marriage has been annulled would no longer be considered emancipated, and procedures can be initiated as appropriate to re-establish a valid support order.

DILIGENT SERVICE OF PROCESS GUIDELINES

Per federal regulations at 45 CFR 303.3(c), a state must establish guidelines defining diligent service of process. Local CSS agencies are required to document unsuccessful attempts to serve process in accordance with these guidelines.

In North Carolina, the proper person to deliver service of process is the sheriff of the county where service is to be made. The statutory provision under NCGS Chapter 1A prescribing the manner of service of process must be followed strictly; otherwise, service is not valid. Due and diligent efforts to establish or secure process must comply with Rule 4 and 5 of the Rules of Civil Procedure. Due and diligent effort must be made to seek and ascertain the identity and whereabouts of the defendant for the purpose of serving process. Per Rule 4j(1), a person can be served using the following methods:

1. By delivering a copy of the action to the person directly or a copy at the defendant's dwelling or usual place of abode with someone of suitable age and discretion who resides there;

2. By delivering a copy to the agent authorized by appointment or law to be served or to accept service of process;
3. By mailing a copy by registered or certified mail (return receipt requested) addressed to the party being served; or
4. By depositing a copy with a designated delivery service authorized pursuant to 26 USC 7502(f)(2), which will deliver the copy to the addressee and obtain a delivery receipt.
5. By mailing a copy (addressed to the party being served) through the US Postal Service requiring signature confirmation.

Rule 5 allows for service of process by regular mail for legal actions subsequent to the original complaint, for income withholding notices to employers, and for FIDM Levy notices to financial institutions. Caseworkers should document the regular service process by filing the Certificate Of Service (DSS-4619) in the court file.

Service of process must be repeated periodically for cases in which previous attempts to serve process have failed, but adequate identifying information exists to attempt service using any or all of the above procedures to effect service. By verifying the defendant's place of employment, personal service can be accomplished by serving the defendant on the job.

Personal service or substituted service of process must be made within thirty (30) days after the date of issuance. If the action is about to expire, necessary steps can be taken to have summons endorsed by the Clerk of Court or by swearing out an Alias And Pluries Civil Summons (DSS-4669) within ninety (90) days after the date of issue of the last summons.

If a party cannot be served with due diligence by personal delivery or by registered or certified mail, service by publication might be appropriate in some cases. Service by publication consists of publishing a notice of service of process by publication once per week for three (3) consecutive weeks in a newspaper that is qualified for legal advertising and circulated in the area where the party to be served is believed to be located, or if no reliable information concerning the location of the party exists, then in a newspaper circulated in the county where the action is pending.

NCGS 1A-1 Rule 4 also allows for private process service in certain situations. When process is returned unserved by a proper officer or other process service is unsuccessful, the plaintiff or his/her agent or attorney can obtain service through delivery by a person who is at least twenty-one (21) years old, is not a party to the action, and is not related by blood or marriage to a party of the action or to the person being served.

If local CSS agencies elect to use the services of a private process server, a cooperative agreement must be established in accordance with federal regulation 45 CFR 303.107 in order to receive reimbursement at the current federal financial participant rate.

The appropriate certificate of service document needs to be completed on all documents that are mailed, whether service is accomplished by regular, certified, or registered mail. A copy of the Certificate of Service (DSS-4619) must be filed with the court and a copy retained for the CSS case history record.

When a noncustodial parent (NCP) retains the services of an attorney for a child support matter, caseworkers should always serve the attorney of record. Before attempting service, they should verify that the attorney is still representing the NCP.

Rules 4 & 5 of NC Civil Practice and Civil Procedure are used to accomplish service of process. This process applies for both intrastate and interstate cases. Rule 4 is used when obtaining jurisdiction over a party in an initial action (EX: a civil complaint.) Service is accomplished by personal service by sheriff or private process server, by registered or certified mail, or by publication.

In those situations where the Clerk of Court signs the Motion And Order To Show Cause, Rule 4 is always used. Rule 5 allows for service of process by regular mail once jurisdiction has been established as a result of the initial action under Rule 4. Caseworkers file the Certificate Of Service (DSS-4619) in the court file, documenting the appropriate service method used.

When attempting service on any legal action subsequent to the original complaint, either Rule 4 or 5 can be used to serve the party. Under Rule 5, service is considered complete only "upon deposit of the pleading or paper enclosed in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service." If the NCP has both a MAIL and RESIDENTIAL address in ACTS, the documents are mailed to both addresses. For Rule 5, the service date is the date of mailing.

If the NCP has no MAIL or RESIDENTIAL address, service of process is deemed to have occurred when the documents are delivered to the NCP's last known address.

CSS support orders should contain language that specifies the NCP's responsibility to keep the court and the CSS agency informed of changes in address and employment. The Certificate of Service (DSS-4619) is attached to the document to be served on the NCP, copies of these documents are filed with the court, and copies are retained in the case history file.

When the party has a right to take some action following service on him/her by mail, Rule 6e allows three (3) days to be added to the time period within which this action must be taken. For example, if an NCP has ten (10) days to contest an action, and service of process was by mail, the NCP has an additional three (3) days to file a response.

STATE CASE REGISTRY

Federal regulations require that all states maintain a state case registry (SCR). This registry contains records of child support cases being provided CSS services (IV-D cases) and all Non-IV-D cases with support orders established or modified on or after October 1, 1998.

North Carolina's State Case Registry (SCR) is housed in ACTS. Information from the SCR is submitted to the Federal Case Registry (FCR), which is a component of the Expanded Federal Parent Locator Service (EFPLS). See the [Locate](#) chapter for more information on the FCR and EFPLS.

TRANSMITTAL OF SUPPORT PAYMENTS

Funds collected for child support cases are routed by the North Carolina Child Support Centralized Collection Operation (NCCSCC) to the NC Department of Health and Human Services (DHHS) for appropriate distribution. When a custodial parent (CP) chooses to terminate CSS services and funds are due to the state for overpayments or a TANF debt exists pursuant to NCGS 110-135, CSS must continue enforcement action until such time as these debts to the state are paid in full.

PROVISION OF CSS SERVICES

GENERAL INFORMATION

This topic contains information on the following subjects:

1. [An overview of CSS services;](#)
2. [Eligibility for CSS services;](#)
3. [Impact of residency and citizenship on receiving CSS services;](#)
4. [The provision of equal services;](#)
5. [CSS services available to noncustodial parents \(NCPs\);](#)
6. [The continuation of CSS services after Public Assistance \(PA\) has been terminated;](#)
7. [Non-Public Assistance \(NPA\) case services;](#)
8. [Child Support and the Eastern Band of Cherokee Indians;](#)
9. [Exceptions to the provision of CSS services;](#)
10. [Civil Rights compliance;](#)
11. [Limited English Proficiency \(LEP\) services.](#)

CSS SERVICES OVERVIEW

Child Support Services (CSS) can provide program services to any individual who is the custodian of, or is responsible for, a minor child or who is owed child support arrearages under a court order in which ongoing support has ended. Services are available regardless of whether or not the child or the individual who is requesting services is receiving Public Assistance (PA).

Federal Regulation 45CFR 303.2 requires that a request for information and/or an application for services made in person must be honored on the same day that the request is made. For requests made in writing or by telephone, CSS must provide the requested information and/or application within five (5) working days of the request.

A valid application for CSS services consists of a signed Application For Child Support Services (DSS-4451) document, a completed and signed Application Supplemental Data Sheet (DSS-4688), and payment of any appropriate application fee.

CSS must accept an application as filed on the date when all of the following have been received:

- **Application For Child Support Services (DSS-4451)** - This document is a contract for services and provides information on the rights and responsibilities of the applicant and the terms of the contract. It must be signed by a Non-Public Assistance (NPA) applicant for CSS services. If the applicant also is applying for, but not yet receiving, PA, an application must be completed. If a

PA case is received as a referral from DSS, no application is required. The completed application must be retained in the case record at all times.

- **Application Supplemental Data Sheet (DSS-4688)** - This document is used to collect information that is needed about the participants in the case and to evaluate the circumstances of the case. The applicant for CSS services must complete and sign it. The DSS-4688 document is not an application for services, and it is not a valid substitute for the Application for Child Support Services (DSS-4451). If a new case is referred to CSS from DSS, CSS must provide the custodial parent (CP) with a DSS-4688 document to complete and sign within twenty (20) calendar days of the date of the referral. The completed document must be retained in the case record. If a case is closed and re-opened at a later date, a new DSS-4688 document must be completed to ensure that all case data is current.
- **Application fee** - An application fee is required for NPA requests for services. For information on application fees, reduced fees, and exceptions to the application fee, see "[Application Fee for CSS Services](#)".

When providing an application for services, CSS must include information describing CSS services. Either the NC CSS Handbook "It's For The Children" (DSS-7069), the CSS program services flyer "Child Support Enforcement for North Carolina" (DSS-7082), or other informational literature can be used.

Within twenty (20) calendar days of receiving an application, CSS must open a case by establishing a case record, soliciting and initiating verification of the needed information, and referring the case for further location, if necessary. The signed application must be filed in the case record.

Case participants cannot select the services to be provided for their cases, except in specific situations. See [Exceptions to the Provision of Services](#) for more information.

Once a case is opened, the following services shall be provided as determined appropriate by the case manager:

1. LOCATION OF THE NONCUSTODIAL PARENT - The identification of the whereabouts of the residence, employment, and assets of a noncustodial parent (NCP). See the [Locate](#) chapter;
2. ESTABLISHMENT OF PATERNITY - The establishment of a parental responsibility if the child does not have a legally responsible father and the establishment of paternity is necessary to establish a support obligation. See the [Paternity](#) chapter;
3. ESTABLISHMENT OF SUPPORT OBLIGATION - The establishment of a court order requiring the NCP to provide support for his/her child(ren), including medical insurance coverage. See the [Establishment](#) chapter;
4. COLLECTION OF SUPPORT PAYMENTS - The receipt accounting and record keeping of court ordered child support payments to the North Carolina Child Support Centralized Collections (NCCSCC) operation. See the [Collections/Receipting/Posting](#) or [Distribution/Disbursement](#) chapters; and
5. ENFORCEMENT OF SUPPORT OBLIGATION - The use of as many enforcement remedies as necessary to ensure the NCP's compliance with the court ordered support. See the [Enforcement](#) chapter.

ELIGIBILITY FOR CSS SERVICES

All recipients of TANF (Temporary Aid to Needy Families) whose eligibility for financial assistance is based on the absence from the home of one or both parents are required to be referred to the CSS agency and, therefore, are eligible for all CSS services at no cost.

All Non-TANF persons who desire assistance in securing support for a dependent child can apply for and receive CSS program services.

IMPACT OF RESIDENCY AND CITIZENSHIP ON RECEIVING CSS SERVICES

Federal regulations specify that residency in the state or county where a request for CSS services is made is not an eligibility requirement for those services. In North Carolina, an exception exists for individuals who are enrolled members of the Cherokee Tribe. If a tribal member requests CSS services and lives on the tribal reservation, the application for CSS services must be made with Tribal Child Support Enforcement. If a tribal member does not live on the tribal reservation, that individual has the choice of applying for services in his/her county of residence or on the tribal reservation.

Providing services for nonresidents could be difficult or impossible in some instances. For example, a custodial parent (CP) could be required to travel a great distance for a hearing, or proper jurisdiction for legal action might not exist. In these situations, the CSS agency should inform the CP of the potential impact to service delivery and accept the application if the CP decides to proceed.

Once the case is opened, transferring it to a different CSS agency and/or a change of judicial venue could be appropriate, if requested.

The applicant or child for whom CSS services are requested is not required to be a US citizen. The alien status of a non-citizen case participant is not relevant to the provision of CSS services.

PROVISION OF EQUAL SERVICES

All necessary and appropriate CSS services are provided to Non-Public Assistance (NPA) cases as are provided to Public Assistance (PA) cases, including in-court legal representation. CSS agencies should decline to provide requested services only when legal justification exists; for example, a paternity or support claim is barred by *res judicata* (the issue of paternity has already been addressed by the court) or representation involving collateral issues such as custody or visitation is needed. Administrative decisions to decline or defer particular actions should be made on the same basis as for PA cases, and the reasons for doing so should be documented in the case record.

CSS SERVICES AVAILABLE TO NONCUSTODIAL PARENTS

Child support services are available to noncustodial parents (NCPs) who want to provide support and/or establish paternity for their child(ren), as long as the provision of services is in the best interest of the child(ren). (NCPs can be either the putative or legal father or the natural mother.) Therefore, when NCPs request such

services, they must submit an Application For Child Support Services (DSS-4481) and any appropriate application fee in the same manner as the custodial parent (CP). CSS should also provide the NCP with an Application Supplemental Data Sheet (DSS-4688) to complete.

Putative fathers applying for such services should be advised that they might be required to submit to paternity tests to provide evidence of paternity and that support payments are based on the needs of the child, the ability of the parents to pay support, and the child support guidelines. See the [Paternity](#) chapter.

NOTE: When a putative father wishes to apply for child support services and a legal father already is associated with the case, it is not appropriate to provide services. In such situations, paternity is not at issue, and the responsibility for providing support remains with the legal father.

The local CSS caseworker then contacts the CP (even if the CP lives out of state) and explains that the NCP has requested these services. Action commences on these cases in the same manner as any CSS case. An NCP who requests CSS services is still considered to be the noncustodial parent, so the local CSS agency cannot represent the NCP in an adversarial or traditional "attorney-client" capacity.

If the CP is opposed to CSS intervention in the case and/or refuses to cooperate with the CSS agency, the NCP should be notified to determine if further assistance from CSS is desired. If the NCP elects to continue with the case, the CSS agency should file the appropriate paternity and/or support action with the court. Should the court rule that the action is not in the best interest of the child and disallows the request, the CSS agency must close the case.

NOTE: If the CP contests a case with an existing court order, the CSS agency should not notify the Clerk of Court of CSS involvement in the case until the court has ruled on the matter.

CONTINUATION OF SERVICES AFTER TERMINATION OF PUBLIC ASSISTANCE

PROVISION OF SERVICES

Local CSS agencies are required to continue providing necessary services to all CSS cases (not just collection cases) after the termination of Public Assistance (PA). CSS services must be provided, unless the custodial parent (CP) expressly requests that services not be provided and no amounts are due and owed to the State. Such requests must be documented in the CSS case record.

Provision of services is not contingent upon the CP responding to the CSS agency's offer before the services are provided. The CP is not required to submit a new application, nor is the CP charged an application fee.

AUTHORIZATION FOR CONTINUATION OF SERVICES

Within five (5) working days of notification of the termination of TANF, Medicaid, or IV-E Foster Care, the CSS agency must advise the CP of the conditions for continuation of CSS services. The CP must be advised of services available, fees, and distribution policies. Distribution is the same as with other Non-Public Assistance (NPA)

cases. If the CP chooses to terminate services, it must be documented in the case record.

If medical assistance begins or continues after termination of TANF for a case, no notice is required. Upon termination of all PA, a notice of continuation of services must be sent to the CP. ACTS automatically generates the Continuation Of IV-D Services Letter (DSS-4453) each time a "TANF" or "MAO" case changes to "NPA".

NON-PUBLIC ASSISTANCE (NPA) CASE SERVICES

INITIAL REQUEST FOR SERVICES

An application fee must be charged in any case that has not previously received CSS services. When a custodial parent (CP) applies for services, CSS caseworkers must determine immediately whether or not the CP has copies of any existing court orders, affidavits of arrearages, or any other necessary documentation before processing the CSS case. If copies are not readily available, caseworkers must contact the other counties or states that issued the order(s) to obtain the necessary copies. Caseworkers should consult the CSS attorney regarding any questions about the validity of an order before taking any action in a CSS case.

If an enforceable judgment exists in a CSS case, action is taken to collect the remaining arrearages. If enforcement is barred by [statute of limitations](#), the CP is told that no further services can be provided. Such situations might include cases in which the ongoing obligation ended more than ten (10) years ago and no sum certain was established, or it has been longer than ten (10) years since a judgment was entered.

STATUTE OF LIMITATIONS FOR JUDGMENTS

The statute of limitations for judgments (NCGS 1-47) bars the collection of child support payments that came due more than ten (10) years before any action for collection was taken.

SERVICES FOR ARREARS-ONLY CASES

An individual who was formerly the custodian of a minor child and entitled by a court order to receive child support can request CSS services to collect child support and any accompanying spousal support payments that were due, but not paid, before the termination of the order. Due to the 10-year [statute of limitations](#), it is important that the validity of the debt be determined by reviewing the amount of time that has elapsed since the payments were due and any subsequent court orders for collection of the arrearages.

SERVICES FOR EXISTING CSS CASES

In an active case containing Non-Public Assistance (NPA) arrearages, local CSS agencies should take action to establish a judgment for the amount owed at the time when the ongoing obligation ends.

SERVICES FOR FORMER CSS CASES

To reopen a CSS case, a new Application For CSS Services (DSS-4451) must be completed and the application fee paid. A new Application Supplemental Data Sheet (DSS-4688) should be completed to provide CSS with updated case and participant data. All assigned MPI numbers and CSS case (IV-D) numbers remain the same as in the former case.

The court file should be reviewed for any activity that might have occurred after CSS involvement in the case ended. If a judgment setting the amount of arrearages has been obtained within the past ten (10) years, action to collect the remaining debt should be taken before the [statute of limitations](#) expires. If child support payments have been due within the past ten (10) years, but no sum certain has been established, calculate the actual arrearages that accrued during the eligible period of time. The CSS attorney should be consulted regarding any questions about the validity of an order.

ENFORCEMENT OF JUDGMENTS

All appropriate remedies should be utilized to collect the past due amount so long as a valid judgment exists. It is important that a mechanism to track the 10-year life of a judgment be established to guard against expiration before the debt is fully repaid.

NOTE: Obtaining a judgment for a sum certain does not constitute a lien on the noncustodial parent's (NCP's) property. If the use of a lien is determined to be an appropriate enforcement tool, the Clerk of Court must perfect the judgment.

NON-PUBLIC ASSISTANCE (NPA) CUSTODIAL PARENT COOPERATION

Caseworkers should advise CPs in NPA cases of the need to cooperate with their local CSS agencies in order to receive effective child support services. If a CP's cooperation is essential for the provision of the needed service, failure to cooperate can be grounds for termination of the case.

If a terminated case is encumbered, enforcement action must continue until such time as all arrearages owed to the state are paid in full. If the CP decides to cooperate with the CSS agency and the case is reopened within six (6) months of its termination, the CP must NOT be charged a subsequent application fee for services. However, if the CP reapplies for services more than six (6) months after the date of termination, the CP must be charged a subsequent appropriate application fee.

CHILD SUPPORT AND THE EASTERN BAND OF THE CHEROKEE INDIANS

GENERAL INFORMATION

The Eastern Band of Cherokee Indians (EBCI) is a federally recognized Indian Tribe and, as such, is a sovereign nation. The Tribal lands, known as the "Qualla Boundary", are located in Jackson, Graham, Swain, Haywood, and Cherokee counties in North Carolina. County lines remain effective within the Qualla Boundary. Qualla Boundary residents are also residents of the county where their property lies.

Being a sovereign nation, the Tribe operates under its own form of government. In matters involving the collection of child support, the Tribe operates under the federal regulations of implementation and

operation of the Tribal Child Support Enforcement program and has formally adopted North Carolina laws, including the use of the Child Support Guidelines. The tribal child support program is handled by Tribal Child Support Enforcement (TCSE) office in Cherokee, NC.

TRIBAL CHILD SUPPORT POLICY

EBCI Custodial Parents -

An Eastern Band of Cherokee Indians (EBCI) Enrolled Member custodial parent (CP) can apply for services anywhere within NC. Residency within a particular county is not a requirement to receive services within that county. However, situations can exist when it is more advantageous for the Tribal Child Support Enforcement (TCSE) Office to be involved in these cases.

EBCI Noncustodial Parents (NCPs) -

Knowing the correct path to take when establishing and enforcing child support orders involving EBCI noncustodial parents (NCPs) requires verification of the NCP's tribal enrollment status, address, and if an order exists, where the order was established.

EBCI NCPs Living on the Reservation - No Support Order -

If the CP applies for services with a county CSS office and the EBCI NCP lives on the reservation, the case should be referred to the TCSE office to establish paternity (if at issue) and support. Local CSS workers are required to contact TCSE office to confirm the NCP's EBCI status. The TCSE office has access to EBCI enrollment documentation and can verify whether the NCP is an enrolled member in the Cherokee Tribe.

Prior to referring the case to the TCSE office, local CSS offices are responsible for requesting copies of affidavits of parentage and/or birth certificates. Addresses for both parties should be confirmed and any other case clean-up finalized prior to the referral to the TCSE office. The North Carolina case is coded as an interstate initiating case.

EBCI NCPs Living on the Reservation - Support Order -

If the CP applies for services with a county CSS and the EBCI NCP lives on the reservation, CSS workers must determine which jurisdiction established the court order to determine the procedures to apply for enforcement of the order.

Tribal Order -

If the order was established by the Tribal Court, the case should be referred to the TCSE office for enforcement. CSS workers should contact the Tribal Clerk of Court to verify the existence of the Tribal order. CSS workers also would contact the TCSE office to confirm the NCP's EBCI status. The North Carolina case is coded as an interstate initiating case.

North Carolina or Other State's Order -

If the order was established by local NC CSS or by another state, it should be registered for enforcement with the TCSE office. Local CSS

workers are responsible for contacting the TCSE office to confirm the NCP's EBCI status.

Addresses for both parties should be confirmed and any other case clean-up finalized prior to the transfer. Certified copies of the court order and certified pay records must be requested from the other state or the appropriate NC Clerk of Court office to forward to the TCSE office. The North Carolina case is coded as an interstate initiating case.

The Tribal Court recommends the registration process as the procedure to enforce NC court orders or an order of another state for an EBCI NCP living on the reservation. Because the Tribal Court is sovereign, the typical rules involving transfer of cases and orders do not apply automatically. The Tribal Court has determined that the NC order should be registered for enforcement with the Tribal Court but that a change of venue of the NC order to the Tribal Court is not appropriate. The Tribal Child Support Enforcement office has final authority in determining if the request for registration is appropriate or not.

Non-Tribal NCPs Not Living on the Reservation -

If an EBCI CP requests services from the TCSE office and the NCP is not an EBCI member or is not living on the reservation, a request for services must be made to the NCP's county of residence. Since these requests do not go through the NC Central Registry, local CSS workers would create an interstate responding case. Local CSS workers would acknowledge receipt of the request, request any additional information, and begin to provide services.

ECBI MEMBERS AND PER CAPITA

Twice yearly, EBCI members receive payments resulting from the Cherokee Reservation's casino profits. The casino on the Cherokee Reservation is owned by the tribe but operated by Harrah's Entertainment. Half of the money that the tribe receives from the casino profits pays for government services and infrastructure, while the other half is divided into equal payments (per capita payments) for each tribal member. Payments to members under the age of eighteen (18) are maintained in trust accounts, while adults receive a check. The per capita amount is subject to change, and the checks are mailed out in June and December each year.

Since these payments are guaranteed to EBCI members as long as the casino turns a profit, this source of income is used in determining and enforcing child support obligations. The EBCI allows the garnishment of the EBCI NCP's per capita distribution for payment on arrearages for CSS cases and, in certain cases, for future obligations as well.

The garnishment of per capita payments received by EBCI NCPs for the purpose of child support collections is accomplished through a cooperative process between the TCSE office and the Tribal Court. Since the Eastern Band of Cherokee Indians is a sovereign nation, a NC order or other state's orders must be registered for enforcement with the TCSE office for EBCI NCPs who reside on the reservation.

Per Capita and EBCI Members Not Living on Reservation -

The Tribal Court, upon proper application, can accept orders from other jurisdictions for the purpose of per capita garnishment only. In those scenarios, neither the CP nor the ECBI NCP resides on the reservation. Since the ECBI is not bound by the provisions of UIFSA, the ECBI would consider this to be a limited service.

Local CSS workers are required to contact TCSE office to confirm the NCP's ECBI status. The TCSE office has access to EBCI enrollment documentation and can verify whether the NCP is an enrolled member in the Cherokee Tribe.

To request the Per Capita garnishment, the NC or other state's order must be registered with the Tribal Court. The case would remain with the requesting county as an instate case.

After the TCSE worker registers the order, the per capita income can be garnished based on the certified arrearages from the county CSS office. Once the request is honored and the per capita is garnished, the TCSE worker would close the case. It would be up to the CSS agency to request that the TCSE office to garnish any additional per capita payments. Each request for garnishment must be made by March 1 for June distribution and September 1 for December distribution.

CSS must contact the TCSE office for guidance with Per Capita only requests, as this would be a one-time administrative service provided by the TCSE office.

MEDICAL SUPPORT ESTABLISHMENT FOR TRIBAL MEMBERS

Federally-subsidized health care services to tribal members, such as those available through Indian Health Service (IHS), meet the definition of satisfactory health insurance if it is available to the CP and the family is not on Medicaid. The CSS agency must document in the case record the availability of IHS services to the CP and children if the decision is made not to petition the court for inclusion of health insurance in the support order.

For those EBCI NCPs whose children are on Medicaid or reside outside the service area, IHS services are not to be considered a viable alternative to health insurance coverage, and other coverage should be sought for those cases.

EXCEPTIONS TO PROVISION OF SERVICES

The following are the exceptions to the provision of the full range CSS services for a case:

1. If a proper application is made for Locate Only services, assistance in locating the noncustodial parent (NCP) is the only service that can be provided.
2. If a case referral is made for a child who only receives medical public assistance (Medicaid), the custodial parent (CP) can elect to receive either medical support services only or the full range of CSS services.
3. If the CP and child in a Non-Public Assistance (NPA) case have health insurance coverage, the CP can elect to not receive medical support services.
4. A request for services to establish paternity ONLY cannot be honored. CSS provides services for paternity establishment when

- a father's legal responsibility must be determined to establish that father's support obligation for the child(ren).
5. If a CP who resides in a foreign country requests services and the custody of the child is in dispute or in violation of State law and/or the Hague Convention on the Civil Aspects of International Child Abduction, CSS is not obligated to honor the request, It is not a CSS function to provide services in this situation. This includes situations when a parent has abducted the child or refused to return the child from abroad while a parent who is living in the United States maintains legal custody under State law. No federal mandate to provide services exists, even when a reciprocity agreement exists with the other country where the child is located.
 6. If a child resides in a facility (such as a group home), no governmental agency is involved in the child's placement, and no governmental funds are being paid to the home/facility. CSS should NOT initiate a case with the home/facility (or its representative) as the CP. Any existing case with a parent or other individual as the CP can remain open as long as the CP desires CSS services. Unless a court order requires CSS involvement, the issue of payment to the home/facility is a matter between the CP and the home/facility.

CIVIL RIGHTS COMPLIANCE

GENERAL INFORMATION

The Civil Rights Act of 1964 mandates that in federally-assisted programs for the provision of health or welfare services, discrimination in the selection or eligibility of individuals to receive the service, and segregation or other discriminatory practices in the manner of providing them are prohibited.

The North Carolina Division of Social Services (NC DSS) is charged with the responsibility for assuring that no person be excluded from participation in or be denied benefits under any program or activity receiving federal financial participation on the basis of race, color, national origin, sex, religion, age, disability, or political beliefs. Programs and activities administered directly by NC DSS and those administered by the county DSS are included under the Civil Rights Act of 1964.

In accordance with Civil Rights legislation, no staff member of the NC Child Support Services (CSS) Section, in the provision of services or other benefits shall, on the basis of race, color, national origin, sex, religion, age, disability, or political beliefs:

1. Deny an individual any service or other benefits provided by the agency;
2. Provide to an individual any service or other benefits which are different or are provided in a different manner from that provided others;
3. Subject an individual to segregation or separate treatment in any matter related to his receipt of any service or other benefits;
4. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving service or other benefits;
5. Treat an individual differently from others in determining whether he satisfies any eligibility or other requirements or

- conditions which individuals must meet in order to receive service or other benefits;
6. Deny any individual an opportunity to participate in a program through the provision of services or otherwise afford him an opportunity to do so in a manner which is different from that afforded others under the programs;
 7. Make distinction in relation to use of physical facilities, intake and application procedures, caseload assignments, determination of eligibility, the amount and types of aid, service or other benefits under the program, and the use thereof.

CIVIL RIGHTS COMPLAINT PROCEDURES

Individuals who believe they have been discriminated against on the basis of race, color, national origin (including failure to provide access to services to people with limited English proficiency), sex, religion, age, disability or political beliefs have the right to file a complaint that the agency acted in violation of Title VI of the Civil Right Act of 1964.

Information about regulations against discrimination and how to file a complaint can be obtained by writing to:

NC DHHS
Division of Social Services
Carlotta Dixon
Civil Rights Coordinator
325 N. Salisbury St.
Raleigh, N.C. 27699-2401

Complaints must be filed within one hundred-eighty (180) days from the date of the alleged discrimination.

The complaint should be mailed to:

Office for Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 506F HHH Bldg.
Washington, D.C. 20201

For more information about LEP (Limited English Proficiency) complaint procedures, see [LEP complaint procedures](#).

LIMITED ENGLISH PROFICIENCY (LEP) SERVICES

INTRODUCTION

In compliance with requirements of Title VI of the Civil Rights Act of 1964, all divisions and institutions within the NC Department of Health and Human Services (NC DHHS) must develop plans to ensure that services are accessible to individuals with limited English proficiency (LEP). These plans must address each of the following elements:

- Developing a means to assess the language needs of the LEP population and applicants;
- Securing resources for and providing language services;

- Assessing/providing staff training;
- Monitoring quality and effectiveness of language services.

LEP individuals not born in the United States who elect to receive services in a language other than English must be provided with oral language assistance in their preferred language during both personal and telephone interactions. Notice of the right to receive language assistance at no cost must be posted in each office.

When the needs assessment indicates that at least five percent (5%) of the population to be served communicates primarily in a language other than English, further steps must be taken to ensure that written materials containing vital program information also can be provided in the preferred language. NC DHHS has determined that the Spanish-speaking population meets this threshold. Therefore, written information and services must be provided in Spanish to those who need them.

NC CSS ACTIVITIES RELATED TO LEP SERVICES

NC CSS policies and procedures comply with all provisions of the Division of Social Services (DSS) Title VI compliance plan. To ensure that information and services about child support are adequately accessible to the LEP community, CSS offers the following assistance:

Notice of Available LEP Services -

Each CSS agency must make information on the right to receive language assistance services available in reception and other appropriate areas of the office.

Interpreters -

LEP individuals are to be offered interpreters at no cost to the customer. All CSS offices have identified available resources for interpreters to serve agency customers whose primary language is other than English. Whenever possible agency staff (CSS, DSS or other government programs) should be used to provide interpretation services. Private agency or telephone services can be used when staff assistance is not available. Use of family members, particularly children under the age of eighteen (18), should be used only as a last resort. Documentation of this service must be entered in the case record and include the name and position or relationship of the interpreter.

If interpreter services are provided by other than agency employees, a Language Services Agreement (DSS-10001) must be completed by the caseworker conducting the interview and filed in the case record.

Language Preference Identification -

When opening new cases, CSS must give each custodial parent (CP) and noncustodial parent (NCP) the opportunity to state his/her preferred language. The selected language preference must be documented. If a language preference is not known at the time that participant data is entered initially for a CP, child, or NCP, the language preference should be documented as English. At the first opportunity, CSS confirms with the CP or NCP whether a different language is preferred. CSS also records the participant's acceptance or refusal of LEP services.

Language preferences received in Public Assistance (PA) referrals do not replace the existing data in ACTS automatically. CSS workers should review the received participant demographic data to determine how it should be used.

To meet Title VI requirements, CSS might need to identify an LEP individual before making contact with a participant.

CSS should make arrangements for an interpreter or other appropriate services prior to working with an LEP individual whenever possible. Caseworkers should always document the method used to provide bilingual services (EX: agency interpreter, family member, translated documents, etc.)

LEP Complaint Procedures -

Customers who feel that they have received unfair treatment due to a limited proficiency in English can file a complaint that the agency acted in violation of Title VI of the Civil Rights Act of 1964.

NC DHHS Language Access Complaint forms must be made available in the office reception areas.

For more information on how to file a complaint, see [Civil Rights complaint procedures](#).

STAFF TRAINING REQUIREMENTS RELATED TO LEP -

At least once a year, each CSS employee must complete training on the requirements for the provision of LEP services. Viewing the "Limited English Proficiency Video" or other training is adequate to meet this requirement.

All staff also are required to complete annual training on Cultural Awareness, which is currently being developed.

After completing their training, workers must record their activities on the "Initial/Annual Requirements Certification" form, which is filed in their personnel record.

USING SPANISH LANGUAGE MATERIALS -

Whenever translated information is provided to an individual, CSS should record this action in the case record. All appropriate documents should be provided in English to Spanish-speaking LEP case participants. When a document is also available in Spanish, it is recommended that both versions be given to the customer. This practice is designed to provide information in the native language of an individual and aid him/her in understanding English through comparison of the two documents.

Spanish Translations of ACTS Documents -

A number of vital and/or frequently used ACTS documents are available in Spanish. Certain documents that are automatically generated by ACTS are printed in Spanish if the participant's language preference has been recorded in ACTS. Spanish language versions of frequently used ACTS documents are available for CSS caseworkers to manually generate.

Other Spanish Language Resources -

Both Spanish and English versions of the paternity video, "It Takes Two" are available to CSS agencies and birthing hospitals. Additional documents and information also are available in Spanish.

APPLICATION FEE FOR CSS SERVICES

GENERAL INFORMATION

This topic contains information on the following subjects:

1. [When the standard application fee is charged;](#)
2. [When a reduced application fee is charged due to indigence;](#)
3. [When no application fee is charged.](#)

WHEN THE STANDARD APPLICATION FEE IS CHARGED

Applicants for CSS program services are required to pay a non-refundable application fee before these services can be provided, unless their situation qualifies for an exception to the standard application fee. See [When No Application Fee Is Charged](#).

An application fee is charged in the following situations:

1. A Non-Public Assistance (NPA) applicant requests CSS services. Applicants for CSS services can be the custodial parent (CP), the noncustodial parent (NCP), or the child (in situations where the child is not [emancipated](#) and living on his/her own).
2. A former CSS CP reapplies for services after a case is closed. (Regardless of the reason for the case closure, a new application fee is charged.)
3. A recipient of Health Choice insurance coverage requests CSS services.

The application fee for CSS services in NPA cases is \$25.00. This fee can be reduced if the applicant is indigent. ([See the next section.](#))

This application fee is collected after the CSS program services are explained to the applicant and the applicant has decided to apply for services. Additional annual fees for services could be charged.

WHEN THE REDUCED APPLICATION FEE IS CHARGED (DUE TO INDIGENT APPLICANT)

The \$25.00 application fee for CSS services in Non-Public Assistance (NPA) cases can be reduced to \$10.00 if the applicant is considered "indigent". For this consideration, indigency is defined at NCGS 110-130.1 as an individual gross income that does not exceed the federal poverty guidelines issued each year in the Federal Register by the US Department of Health and Human Services (DHHS). (See the [Poverty Level Guidelines.](#))

To determine qualification for the lower fee, caseworkers ask the applicant for the number of individuals living in the household. All individuals who live in the home are included, whether related or not. Caseworkers can ask for the gross income of the applicant ONLY; however, verification is not required.. The applicant's gross income

includes income from ALL sources, but not the income of any other members of the household.

The "Poverty Level Guidelines" that follow are used to determine the poverty level income amount based on the size of the applicant's household. If the applicant's gross income is below the poverty level for that household size, charge a \$10.00 fee, unless the applicant does not want to qualify.

EX: NC applicants with a household of three (3) and an annual gross income of \$15,000.00 would be considered indigent, and their application fee would be \$10.00.

2012 POVERTY LEVEL GUIDELINES

(from the Federal Register, 01/24/13)

Size of Family Unit	48 Contiguous States & DC	Alaska	Hawaii
1	\$ 11,490	\$ 14,350	\$ 13,230
2	\$ 15,510	\$ 19,380	\$ 17,850
3	\$ 19,530	\$ 24,410	\$ 22,470
4	\$ 23,550	\$ 29,440	\$ 27,090
5	\$ 27,570	\$ 34,470	\$ 31,710
6	\$ 31,590	\$ 39,500	\$ 36,330
7	\$ 35,610	\$ 44,530	\$ 40,950
8	\$ 39,630	\$ 49,560	\$ 45,570
For families with more than 8, add this amount per person:	+\$ 4,020	+ \$ 5,030	+ \$ 4,620

WHEN NO APPLICATION FEE IS CHARGED

An application fee for CSS services is not charged when:

1. Any child in the household is receiving TANF at the time the custodial parent (CP) requests CSS services.
2. CSS services are continued after Public Assistance (PA) is terminated.
3. A child in the CP's case(s) receives Medical Assistance only (MAO).
4. The family has elected to receive a Benefit Diversion payment and presents proof of the application.
5. A CP with at least one (1) existing case open for CSS services requests services in a subsequent case.
6. A Non-Public Assistance (NPA) case is created by an immediate referral of a pending PA application. (If the PA application is denied or withdrawn, the CP is responsible at that time for the application fee.)

ANNUAL FEE FOR CSS SERVICES

GENERAL INFORMATION

This topic contains information on the following subjects:

1. [When the annual fee for CSS services is charged;](#)
2. [When the annual fee for CSS services is NOT charged.](#)

WHEN THE ANNUAL FEE FOR CSS SERVICES IS CHARGED

Section 454(6) (B) (ii) of the Federal Deficit Reduction Act of 2005 and NCGS 110-130.1 require the Child Support Services (CSS) agency to assess a nonrefundable annual fee of \$25.00 for CSS services that are rendered on each case that meets all of the following criteria:

- The custodial parent (CP) in an NPA or MAO case receives CSS services; and
- The case is a "never assistance" case-- AFDC, WFFA, or federal or State Foster Care payments have never been received for the child(ren) in the case; and
- At least \$500.00 has been disbursed to the family during the federal fiscal year (October 1st - September 30th).

For each case that meets all of these criteria, an annual \$25.00 fee is charged to the CP's participant account (MPI #). ACTS deducts the annual fee from the next payment that is payable to the CP.

NOTE: The CP does not pay the annual fee by making a direct payment to CSS; ACTS deducts it automatically. ACTS deducts the annual fee after making all recoupment payments that are scheduled for the CP's participant account. If the CP is a noncustodial parent (NCP) in another case and is due a refund, the annual fee is not collected from that refund.

Once the annual fee is assessed to the CP, it is owed by the CP until it is paid, even if the case becomes TANF/WFFA or if the CP receives Public Assistance (PA) on behalf of another child. However, if the CP begins receiving PA on behalf of the child(ren) in the case, the annual fee is not charged in any future federal fiscal year.

If the assessed fee has not been paid in full by the time the CP terminates services or the case is otherwise closed, the CP still owes the fee balance; however, the CP does not pay this fee directly. If the CP reapplies for services for this case or opens a new case, the fee balance is paid from the next payment that is payable to the CP.

WHEN THE ANNUAL FEE FOR CSS SERVICES IS NOT CHARGED

The annual fee for CSS services is not charged to a custodial parent's (CP's) participant account (MPI #) for a case unless \$500.00 is disbursed to the CP for that case during the federal fiscal year (October 1st - September 30th). The annual \$25.00 fee is not assessed to the CP if:

- AFDC/TANF/WFFA, or federal or State Foster Care payments are being or have been received by anyone on behalf of the child in the case;
- The case is a "DSS Director" case (including cases with DSS in the last name field).
- The case is coded "IVE" (IV-E Foster Care);
- The case is an interstate responding case;
- The case is a Non-IV-D (NIVD) case.

AGENCY/CUSTODIAL PARENT COMMUNICATION

GENERAL INFORMATION

This topic contains information on the following subjects:

1. [An overview of agency/custodial parent communication;](#)
2. [CSS case participants' rights to notification of a hearing;](#)
3. [Administrative reviews;](#)
4. [Communication and interaction with private collection agencies.](#)

AGENCY/CUSTODIAL PARENT (CP) COMMUNICATION OVERVIEW

Since custodial parent (CP) awareness of and involvement in case activities can be of significant benefit to effective case management, local CSS should keep CPs informed of the status of their cases.

Case managers should advise CPs of the available administrative and judicial opportunities for case management and solicit CP input and information. CP communication can include notification of scheduled court hearing dates, issues or barriers to completion of actions, results of specific actions, negotiations or agreements with the noncustodial parent (NCP), requests for information from the CP, or other issues regarding the management of the case.

Additionally, federal law requires CSS to notify CPs of certain case activities. (See below.)

RIGHTS TO NOTIFICATION OF HEARING

Section 454 of the Social Security Act includes a requirement that CSS agencies inform both custodial parents (CPs) and noncustodial parents (NCPs) of pending proceedings and of the resulting orders.

CSS must provide:

- Advance notice of all court or administrative proceedings for which a support obligation might be entered or modified, and
- Copies of any order that establishes or modifies support or determines that a support obligation should not be changed. These copies should be provided within fourteen (14) days of the issuance of the order or the determination.

CSS should document this notification by filing a Certificate Of Service (DSS-4619) in the court file and recording the date and method of service in the CSS case record.

ADMINISTRATIVE REVIEW

Federal Regulation 45 CFR 303.35 requires state CSS programs to establish an informal administrative process to address custodial parent (CP) concerns about service delivery and expectations. Local child support agencies must inform the CP and the noncustodial parent (NCP) of the review process at the time of the initial interview. See the [Intake/Case Assignment](#) chapter.

Participants can file a request for a review when evidence exists that an error has occurred or that an action should have been taken in the case but has not. The request must be in writing and clearly state the reason(s) for the request as well as the expected outcome(s). To ensure review of the appropriate case, requests should include identifying information, such as the Master Participant Index (MPI) number and/or Social Security number (SSN) of the requestor.

CSS agencies have the following responsibilities:

- Upon receipt of the request, local supervisors must review the case. After assessing the case, supervisors must respond to the requestor in writing within thirty (30) days, concerning the results of the review. This response must address the stated concerns and any appropriate actions needed or already taken.
- If the requestor is not satisfied with the response from the local supervisor, the complaints are elevated to the Regional Program Representative for that local agency. The same procedures regarding time frames and results as outlined above are to be adhered to at this level.
- Once the Regional Program Representative's decision is rendered in writing, the informal administrative review process is complete. This informal administrative review process is not intended to replace customer service expectations. Caseworkers are still responsible for responding to requestor's needs in a timely and accurate manner.

Upon receipt of the request from a CP for an administrative review, the local supervisor must document the concerns of the participant and the reason why the case is being reviewed.

A participant who is not satisfied with the response from the local supervisor can request that the complaint be elevated to the next level (Regional Program Representative). When the review process is completed, the results should be documented thoroughly.

PRIVATE COLLECTION AGENCIES

In accordance with federal policy, a custodial parent (CP) in a CSS case can elect to contract with a private collection agency and use CSS services simultaneously. In this event, all appropriate services must be applied in the customary manner. The private company cannot dictate actions in the case, including the redirection of the CP's support payments to the private collection agency. In order to collect the fee charged for their services, private agencies often require that payments be routed through the company. If the local CSS agency receives such a request, the CP must be informed that the agency will not redirect the support. It becomes the CP's responsibility to arrange a suitable plan with the private agency for payment of fees for their services.

The private company is not named as the CP in a case. Once CSS receives documentation that the CP has contracted with a private agency, only information that is appropriate to provide to the CP can also be given to the agency upon request. However, written permission to release the appropriate information to the private agency must be obtained from the CP before doing so.

TIME FRAMES FOR CASE PROCESSING

GENERAL INFORMATION

To ensure basic efficiency and timeliness in CSS case processing, local CSS agencies must adhere to standard time frames within which required CSS case activities must be accomplished. Adherence to these standards allows for the provision of program services on a timely basis and assures that the agency meets federally imposed audit criteria.

This topic contains information on the following subjects:

1. [The time frames for Case Initiation activities;](#)
2. [The time frames for Locate activities;](#)
3. [The time frames for Paternity/Establishment activities;](#)
4. [The time frames for Collection and Distribution of child support;](#)
5. [The time frames for Enforcement activities.](#)

TIME FRAME FOR CSS CASE INITIATION

CSS must provide an application the same day if the applicant makes a request in person or within five (5) working days if the applicant makes a written or telephone request. Information describing services, rights and responsibilities, fees, and distribution policy must accompany all applications, and CSS must provide this information to TANF, Medicaid, and IV-E applicants/recipients within five (5) working days of their referral to CSS. All cases must be entered in ACTS, any needed information solicited and verification initiated, and CSS must be referred for further location activities (if necessary) within twenty (20) calendar days of CSS's receipt of an application or referral.

NOTE: CSS is not required to reopen a previously closed TANF, Foster Care, or Medicaid CSS case when redetermination of eligibility by the TANF, Foster Care, or Medicaid agency does not generate any new information for the CSS agency to use in the establishment of paternity or support or the enforcement of a child support order.

TIME FRAME FOR LOCATE

Local CSS must access all appropriate location sources and verify that information is sufficient to take the next action within seventy-five (75) days of determining that location is necessary. Within twenty (20) calendar days of determining that a noncustodial parent (NCP) is in another state, the initiating state must refer the NCP's case to the responding state's Central Registry.

Local CSS must repeat location quarterly with sources that are updated or immediately when new information is received. If the custodial parent (CP) is the only source of information, CSS must contact that CP at least annually. If cases meet the requirements for submittal and prior locate attempts have failed, CSS must submit those cases to FPLS annually.

TIME FRAME FOR PATERNITY/ESTABLISHMENT

Within ninety (90) days of locating an alleged father or noncustodial parent (NCP) and regardless of whether or not paternity has been established, CSS must:

- Establish an order for support and, if necessary, paternity; or
- Complete successful service of process; or
- Document unsuccessful attempts to serve process.

TIME FRAMES FOR EXPEDITED PROCESS

From the date of service of process for judicial actions to establish support, CSS must establish a support obligation and, if necessary, paternity for:

- Seventy-five percent (75%) of the cases within six (6) months/ one hundred-eighty (180) days; and
- Ninety percent (90%) of the cases within twelve (12) months/ three hundred sixty-five (365) days.

See the [Paternity](#) and [Support Establishment](#) chapters.

TIME FRAME FOR COLLECTION AND DISTRIBUTION OF SUPPORT

In interstate cases, the responding state must send collections for cases in the initiating state to the initiating state within two (2) business days of receipt.

Non-Public Assistance (NPA) collections that represent payment on the current obligation must be paid to the custodial parent (CP) within two (2) business days of their receipt in the state. Collections in IV-E cases must be distributed within two (2) business days of end-of-month processing.

Child support that is collected for all TANF and IV-E CSS cases is retained by the state and treated as reimbursement for TANF/IV-E funds. Any collected funds that are left over after the current support order has been satisfied are then applied to arrearages. If the URPA/URPF balance (URPA + Current Month's Grant) equals "\$0.00" and the CP is owed any arrearages, the collected funds that remain are disbursed to the CP. Funds are disbursed to CPs in active TANF cases within two (2) business days after the end-of-month processing.

Tax intercept (offset) collections must be distributed within thirty (30) calendar days of initial receipt in the state, or if the tax intercept is appealed, within fifteen (15) calendar days after the appeal is resolved. If the tax intercept for an NPA case is based on a joint return, CSS can delay distribution up to six (6) months.

TIME FRAME FOR ENFORCEMENT

CSS must take appropriate enforcement actions within thirty (30) days of locating a noncustodial parent (NCP) or of identifying noncompliance, unless service of process is necessary.

When service of process is necessary and service is successful, enforcement action must be taken, if served, within sixty (60) days of identifying the noncompliance.

CSS must submit all cases that meet certification requirements for tax intercept annually.

INCENTIVES

INCENTIVES OVERVIEW

The Child Support Performance and Incentive Act of 1998 (CSPIA), P.L. 105-200, is the legislative basis for the incentive award system. The purpose of IV-D incentives is to reward child support programs for good performance results, while holding these programs accountable for poor performance.

Eligibility for and the amount of incentive funding depends on:

- The total amount of federal funds that are available for a fiscal year;
- The state performance levels in five (5) program service areas (paternity establishment, support establishment, current support payments, payments toward arrearages, and cost effectiveness). The federal Office of Child Support Enforcement (OCSE) distributes a shared pool of federal incentive funds to the states each year. To receive these funds, states must reach a specific level of performance for each of these program service areas.;
- The reliability of the state's data as determined by OCSE's annual Data Reliability Audit (DRA). States must prove that their child support collection data in their computer systems is ninety-five percent (95%) reliable and accurate, based on the DRA (pursuant to 45 CFR 305); and
- The performance levels of other states.

Each federal fiscal year, eighty-five percent (85%) of the federal incentive funds is shared with the counties, based on their performance in the program service areas mentioned above. The NCCSS Central Office retains the remaining fifteen percent (15 %) to enhance centralized child support services.

Federal regulation at 45 CFR 303.52 requires state IV-D programs to develop a standard methodology for the disbursement of incentive funds to the county/local agencies that are designated as the administrators of their child support programs.

The incentive payment system requires that states reinvest the incentive funds into their child support program or some other initiative that is designed to improve the efficiency or effectiveness of the child support program. States must submit a request for waiver and obtain OCSE's approval to invest their incentive funds into such initiatives.

Through efficient and effective delivery of CSS services, local staff can improve North Carolina's incentives on both federal and county levels. Staff can achieve greater efficiency by ensuring that cases are managed properly and by taking appropriate actions in a timely and accurate manner. Thorough documentation is also a key to successful case management.

CSS INFORMATION AVAILABLE TO THE GENERAL PUBLIC

GENERAL INFORMATION

This topic contains information on the following subjects:

1. [CSS Policy & Procedures Manual](#);
2. [CSS Public Web Site](#);
3. [The Early Intervention Program](#);
4. [eChild Support Web Site \(CPs & NCPs\)](#);
5. [Interactive Voice Response \(IVR\) System](#).

CSS POLICY AND PROCEDURES MANUAL

Each local CSS agency must make the CSS Policy and Procedure Manual available for review to anyone desiring information regarding the policies and procedures of the CSS program. CSS agencies should provide access to this information during all normal business hours.

For this purpose, a "public" version of the CSS Manual that contains only CSS policy and some business process information is also available through the North Carolina DHHS Web Site:

["http://info.dhhs.state.nc.us/olm/manuals/dss/cse/man/".](http://info.dhhs.state.nc.us/olm/manuals/dss/cse/man/)

CSS PUBLIC WEB SITE (AVAILABLE THROUGH THE NC DHHS WEB SITE)

The CSS Public Web Site ("<http://www.ncdhhs.gov/dss/cse/index.htm>") provides general information about the Child Support Services (CSS) Program in North Carolina. It contains a variety of program information for the general public, custodial parents (CPs), noncustodial parents (NCPs), employers, and attorneys, as well as links to the [CSS Manual](#) and the [eChild Support Web Site](#).

EARLY INTERVENTION PROGRAM

The Early Intervention Program uses an automated calling system to contact noncustodial parents (NCPs) and custodial parents (CPs). These contacts are an effort to support and maintain the consistent payment of child support and to improve customer service. The Program Enhancement Unit at the CSS Central Office is responsible for this program.

This system retrieves phone number information for participants from ACTS. The automated dialer contacts NCPs to remind them of upcoming hearings and appointments. It also calls NCPs who have new support orders or have cases that are in "DELQ" (Delinquency) status for the first time to encourage consistent payment of child support.

The automated dialer contacts CPs who have upcoming appointments scheduled. It also calls CPs who have recently enrolled in the "ncKIDScard" program to give them information about the program, including changes (such as the issuance of new cards when the old ones are about to expire).

Foster Care, interstate, and NIVD cases are excluded from this program, as well as cases for which a Family Violence indicator has

been is set to "Y" (Yes). The Early Intervention Program protects participant confidentiality, since CSS is not identified as the caller.

ECHILD SUPPORT WEB SITE (INFORMATION AVAILABLE TO CUSTODIAL AND NONCUSTODIAL PARENTS)

The eChild Support Web Site ("<http://www.ncchildsupport.com>") provides registered users- custodial parents (CPs), noncustodial parents (NCPs), employers, in-state and out-of-state CSS workers- with detailed information about child support cases in North Carolina. It contains the same case-specific information as the CSS Customer Service Center's [Interactive Voice Response \(IVR\) system](#).

CPs and NCPs can register online to access their case information by entering identifying information and assigning themselves a user ID and password. The type of information that is available is determined by whether the registered user is a CSS worker, CP, NCP, or employer.

ECHILDSUPPORT - INFORMATION FOR CUSTODIAL PARENTS

The information available to CPs includes:

- Case summary information (including processing status and caseworker name and telephone number);
- The last twelve (12) payments disbursed to the CP (with the mailing dates);
- An obligation summary (current support and arrearages);
- Child support guidelines and a worksheet calculator;
- CP appointment dates (past and future);
- Hearing dates (past and future).

CPs can also:

- Download the Direct Deposit Authorization form (also available in Spanish);
- Request a 13-month payment history via email.

ECHILDSUPPORT - INFORMATION FOR NCPs

- Case summary information (including processing status and caseworker name and telephone number);
- The last twelve (12) payments paid by the NCP;
- An obligation summary (current support and arrearages);
- Child support guidelines and a worksheet calculator;
- NCP appointment dates (past and future);
- Hearing dates (past and future).

NCPs can also:

- Request a 13-month payment history via email;
- Request payment coupons via regular mail.

INFORMATION NOT AVAILABLE ON THE ECHILD SUPPORT WEB SITE

The eChild Support web site does not display case information for:

- Cases closed because they are duplicates;
- Cases for which family violence is indicated. However, CPs and NCPs are able to obtain payment information for these cases. Users are directed to contact the local CSS agency for case information on family violence cases.

INTERACTIVE VOICE RESPONSE (IVR) SYSTEM

The Interactive Voice Response (IVR) system allows CSS customers to access financial and case data over the telephone. ACTS copies this data from other locations in the ACTS system to the IVR system and to INQUIRY ONLY Interactive Voice Response (IVR) screens. Customer Service Center (CSC) staff use these IVR screens to provide financial and case data to callers. These screens are available for all other CSS staff to use as well. A special screen is also available that allows EIS workers to access information about disbursements to custodial parents (CPs) without giving them access to other IVR screens that contain sensitive data.